

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

CHRISTOPHER HAWKINS,

Plaintiff,

v.

**THE CITY OF EUGENE; and JOHN
DOES I-V, *unknown SWAT Officers with the
Eugene Police Department,***

Defendants.

Case No. 6:24-cv-00951-JR

ORDER ADOPTING F&R

Carl Lee Post and John D. Burgess, Law Offices of Daniel Snyder, 1000 S.W. Broadway, Suite 2400, Portland, OR 97205. Attorneys for Plaintiff.

Benjamin J. Miller, Eugene City Attorneys Office, 500 E 4th Avenue, Suite 301 Eugene, OR 97401. Attorney for Defendants.

IMMERGUT, District Judge.

On October 2, 2024, Magistrate Judge Jolie Russo issued her Findings and Recommendations (“F&R”), ECF 10. The F&R recommends that this Court grant Defendants’ Partial Motion to Dismiss, ECF 7. No party filed objections. This Court ADOPTS Magistrate Judge Russo’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 10, is adopted in full. Defendants’ Partial Motion to Dismiss, ECF 7, is GRANTED. Plaintiff’s state law claims are DISMISSED for failure to state a claim.

IT IS SO ORDERED.

DATED this 24th day of October, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge